

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 1, 3 and 5-19 are pending. Claims 2 and 4 have been cancelled by prior amendment without prejudice or disclaimer of the subject matter contained therein. Claims 15-19 are cancelled herein without prejudice or disclaimer of the subject matter contained therein. Claims 1 and 14 have been amended. No new matter is added.

Support for the amendment to claim 1 can be found in the Specification at, for example, page 10, lines 4-9, Figs. 4, 6 and 7, and original claim 14.

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 1-6, 8-12 and 14-19 are rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 6,455,340 to Chua et al. ("Chua") in view of U.S. Patent No 6,740,604 to Kelly et al. ("Kelly"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chua and Kelly in view of U.S. patent No. 6,447,604 of Flynn et al. ("Flynn"). Claims 15-19 have been cancelled, thus, rendering the rejection moot with respect to claims 15-19.

Chua describes a method of making a nitride-based semiconductor structure comprised of a plurality of layers. As the Advisory Action acknowledges, Chua describes performing a separation process with a laser beam before forming a fourth nitride layer over a third nitride layer. *See* Advisory Action, Continuation Sheet *citing* Chua, Fig. 2 and col. 6, lines 14-29. Thus, Chua teaches away from the step of amended claim 1 of growing the fourth nitride layer on the third nitride layer after releasing nitrogen from the second nitride layer and before separating a part

including the first nitride layer from the other part including the third nitride layer. Kelly describes a method for separating two layers of group III nitride material. *See, e.g.*, Kelly, col. 6, lines 45-49.

Amended claim 1 now recites the step of growing the fourth nitride semiconductor epitaxial layer on the third nitride semiconductor epitaxial layer after releasing nitrogen from the second nitride semiconductor epitaxial layer “and before separating a first part which includes the first nitride semiconductor epitaxial layer from a second part which includes the third nitride semiconductor epitaxial layer.”

It is respectfully submitted that Kelly and Flynn, singly or in combination, fail to teach or suggest the above-quoted features of amended claim 1 demonstrated to be missing from Chua. Accordingly, any combination of Chua, Kelly, and Flynn to the extent proper, could not render claim 1, nor dependent claims 3 and 5-14, obvious.

Reconsideration and withdrawal of the respective rejections of claims 1, 3 and 5-14 under 35 U.S.C. § 103(a) based on respective combinations of Chua, Kelly, and Flynn is respectfully requested.

CONCLUSION

Each and every point raised in the Final Office Action mailed December 8, 2009, and the Advisory Action mailed February 25, 2010, has been addressed on the basis of the above amendments and/ or remarks. In view of the foregoing it is believed that claims 1, 3 and 5-14 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, or to credit any overpayment, to Deposit Account No. 04-0100.

Dated: March 8, 2008

Respectfully submitted,

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